

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILTON CIPIET, Individually and on Behalf
of Himself and All Others Similarly Situated,

Plaintiff,

vs.

JPMORGAN CHASE & CO. and J.P.
MORGAN SECURITIES INC,

Defendants.

MARK SCHARFF, PINE SASH DOOR &
LUMBER CO., INC., MARK SCHARFF &
ASSOCIATES LLC, 2170 MILL AVENUE
LLC, 6202-6217 REALTY LLC, MARK
SCHARFF ITF MICHAEL SCHARFF,
MARK SCHARFF ITF DANIEL SCHARFF
And MARK SCHARFF ITF ARIEL
SCHARFF, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

vs.

JPMORGAN CHASE BANK & CO., J.P.
MORGAN SECURITIES, INC. and CHASE
INVESTMENT SERVICES CORP.,

Defendants.

x

Civil Action No. 08-CV-4580 (RMB)

CLASS ACTION

Civil Action No. 08-CV-5026 (RMB)

CLASS ACTION

x

**NOTICE OF MOTION OF MILTON CIPIET, MARK SCHARFF, PINE SASH DOOR &
LUMBER CO., INC., MARK SCHARFF & ASSOCIATES LLC, 2170 MILL AVENUE
LLC, 6202-6217 REALTY LLC, MARK SCHARFF ITF MICHAEL SCHARFF, MARK
SCHARFF ITF DANIEL SCHARFF AND MARK SCHARFF ITF ARIEL SCHARFF
FOR CONSOLIDATION OF ACTIONS, APPOINTMENT OF LEAD PLAINTIFF, AND
APPROVAL OF SELECTION OF LEAD COUNSEL**

Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff (collectively, “Movants” or “ARS Investors Group”) by their counsel, hereby respectfully moves this Court for: (a) consolidation of the *Ciplet* and *Scharff* actions pursuant to Fed. R. Civ. P. 42; (b) appointment as Lead Plaintiffs in the above-captioned actions; and (c) approval of their selection of the Law Offices of Curtis V. Trinko, LLP and the Law Office of Marc E. Scollar as the Co-Lead Counsel for the Class.

In support of this Motion, the Movants submit herewith a Memorandum of Law, the Declaration of Curtis V. Trinko, and the Declaration of Marc E. Scollar, and a Proposed Order.

DATED: August 21, 2008

Respectfully submitted,

LAW OFFICES OF CURTIS V. TRINKO, LLP
CURTIS V. TRINKO

/s/ Curtis V. Trinko

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[Proposed] Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Wai K. Chan, certify that on August 21, 2008, I caused the following documents to be served electronically on the attached service list:

- 1 - The Notice of Motion of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel;
- 2 - Memorandum of Law In Support Of The Motion Of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel;
- 3 - The Declaration of Curtis V. Trinko In Support Of The Motion Of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel;
- 4 - The Declaration of Mark Scollar In Support Of The Motion Of Milton Ciplet, Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff For Appointment of Lead Plaintiff and Approval of Selection of Lead Counsel; and
- 5 - [Proposed] Order Appointing Lead Plaintiff and Lead Counsel.

Dated: August 21, 2008
New York, New York

/s/Wai K. Chan
Wai K. Chan

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